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10 Attorneys for Counterdefendant
11 Stephens Media, LLC

12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14 RIGHTHAVEN LLC, a Nevada limited-
15 liability company,

16 Plaintiff,

17 v.

18 DEMOCRATIC UNDERGROUND, LLC, a
19 District of Columbia limited-liability
20 company; and DAVID ALLEN, an
21 individual,

22 Defendants.

Case No.: 2:10-cv-01356-RLH-GWF

**DECLARATION OF MARK HINUEBER
IN SUPPORT OF COUNTER-
DEFENDANT STEPHENS MEDIA
LLC'S RESPONSE TO
DEFENDANT/COUNTERCLAIMANT
DEMOCRATIC UNDERGROUND'S
MOTION TO COMPEL PRODUCTION
OF DOCUMENTS AND DECLARATION
IN SUPPORT THEREOF (#95, #96)**

23 DEMOCRATIC UNDERGROUND, LLC, a
24 District of Columbia limited-liability
25 company,

26 Counterclaimant,

27 v.

28 RIGHTHAVEN LLC, a Nevada limited-
liability company; and STEPHENS MEDIA
LLC, a Nevada limited-liability company,

Counterdefendants.



CAMPBELL & WILLIAMS
ATTORNEYS AT LAW

700 SOUTH SEVENTH STREET
LAS VEGAS, NEVADA 89101
PHONE: 702/382-5222
FAX: 702/382-0540

1 I, MARK A. HINUEBER, declare under penalty of perjury as follows:

2 1. I am a resident in the State of Nevada. I am the Vice President and General
3 Counsel of Stephens Media LLC which publishes a variety of daily and weekly newspapers
4 across the country, including the *Las Vegas Review-Journal*.

5 2. I have personal knowledge of the facts stated herein, unless stated upon
6 information and belief, and to those facts I believe them to be true. I am competent to testify to
7 the matters stated herein.

8 3. I offer this Declaration in Support of Stephen Media's Response to
9 Defendant/Counterclaimant Democratic Underground's Motion to Compel Production of
10 Documents and Declaration in support thereof (#95, #96).

11 4. I am aware that the Strategic Alliance Agreement contemplates the creation of
12 certain documents to effectuate a copyright assignment. Such documents include the "Searching
13 Decision," "Material Risk Conclusion," "Infringement Notice," "Copyright Assignment Notice,"
14 "Remediation Option Notice," and "Declination Notice."

15 5. I have searched my files for copies of the foregoing documents in connection with
16 the assignment from Stephens Media to Righthaven of the copyright to the news article titled
17 "*Tea Party power fuels Angle*" ("News Article"). I have found no responsive documents and do
18 not believe any exist.

19 6. Generally, I will only receive a forwarding letter from Righthaven that
20 accompanies a proposed copyright assignment for a *Las Vegas Review-Journal* article. I cannot
21 recall whether I received a forwarding letter for the News Article at issue in this litigation. To
22 date, I have not located such a document. For the convenience of the Court and the parties, I have
23 attached as Exhibit A to this Declaration an exemplar of a typical forwarding letter that was sent
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in connection with a different article. If I find a forwarding letter for the News Article at issue herein, I will certainly produce a copy forthwith.

7. I am aware that Jackson Farrow is General counsel for Stephens Capital Partners LLC, which is an affiliate of Stephens Media. Stephens Media executives, including myself, routinely communicate with Mr. Farrow on a variety of subjects that are wholly unrelated to Righthaven.

8. I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 15th day of May, 2011 in Las Vegas, Nevada.

/s/ Mark A. Hinueber
MARK A. HINUEBER



CAMPBELL
& WILLIAMS
ATTORNEYS AT LAW

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LAS VEGAS, NEVADA 89101
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EXHIBIT A

EXHIBIT A

RIGHTHAVEN LLC
CONQUISTADOR BUSINESS PARK
9960 WEST CHEYENNE AVENUE, SUITE 210
LAS VEGAS, NEVADA 89129
TELEPHONE 702.527.5900 FACSIMILE 702.527.5909

Writer's Electronic Mail:
ccoons@righthaven.com

May 20, 2010

Via Hand Delivery

Mark A. Hinueber, Esq.
Stephens Media LLC
1111 West Bonanza Road
Las Vegas, Nevada 89106

Dear Mr. Hinueber:

Please find attached an executable copyright assignment for the copyright held by Stephens Media LLC ("Stephens") from the *Las Vegas Review-Journal*. The literary work listed below (the "Stephens Article"), is the subject of apparently unauthorized reproduction by [REDACTED] reproduced at the website [REDACTED]. Enclosed is the executable assignment a reproduction of the original *Las Vegas Review-Journal* online work and the apparently infringing work by [REDACTED]

[REDACTED]

Righthaven intends to pursue infringement actions, as described in Section 3.3 of the Strategic Alliance Agreement between Righthaven and Stephens (the "Agreement"), with respect to [REDACTED]. If you wish for Righthaven to refrain from pursuing infringement actions with respect to any or all of the Stephens Articles, please advise us within five business days, in accordance with Section 3.3 of the Agreement.

Additionally, to file applications to register copyrights with respect to the Stephens Articles, Righthaven will require two copies of the "best edition" of each of the Stephens Articles, for deposit with the United States Copyright Office (the "USCO"). Righthaven will submit the copyright registrations with a copy of the online version of each Stephens Article as the "best edition" available.

The USCO may request a single-page tearsheet, a clipping, or even a photocopy of an article as first published in print to satisfy the "best edition" requirement. Righthaven will inform Stephen's Media if the USCO makes such a request.

RIGHTHAVEN LLC

Mark A. Hinueber, Esq.
May 20, 2010
Page 2

Thank you in advance for your assistance with these matters.

Best regards,

RIGHTHAVEN LLC

/s/

J. Charles Coons

Copyright Counsel and Technology Specialist

Enclosures (1)

cc: